IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2778 of 2001

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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UNITED INDIA INSURANCE CO LTD.

Versus

HIRUBEN PREMJI ANJNI

Appearance:

MR PV NANAVATI & MR VIBHUTI NANAVATI for appellant

MR RC KAKKAD for Respondent No. 1-7

NOTICE SERVED for Respondent No. 8-9

CORAM : MR.JUSTICE Y.B.BHATT

and

MR.JUSTICE M.C.PATEL

Date of decision: 09/08/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Mr. R.C. Kakkad, learned counsel for the resposndent nos.1 to 7 - original claimants, places on record a letter addressed to him by the instructing Advocate, dated 3rd August 2001. On the basis of the said letter he submits that the present appeal filed by the Insurance Company, challenging the award under section 163-A of the Motor Vehicles Act, 1988 may be allowed. He, however, states that the claimants shall pursue the pending claim petition under section 166 of the said Act i.e. Motor Accident Claim Case No.2274/99. Accordingly the present appeal is allowed and the impugned judgement and award are quashed and set aside. There shall be no order as to costs in the appeal. The amount deposited with the Registry by the appellant may be withdrawn by the appellant.

2. The Tribunal shall proceed with the hearing of the main claim petition as expeditiously as possible and in consonance with its date of filing and the workload of the Tribunal.

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